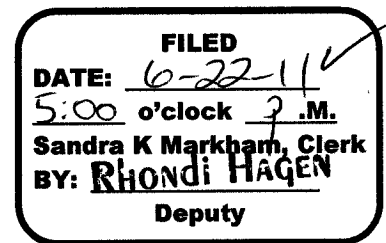


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon/ R. Hagen, Deputy Clerks

CASE NO. V1300CR201080049

DATE: June 22, 2011

TITLE:
STATE OF ARIZONA,

COUNSEL:
Yavapai County Attorney
By Sheila Polk
Bill Hughes
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,
(Defendant)

Thomas K. Kelly
(Via Electronic Mail)
(For Defendant)
and
Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP
(Via Electronic Mail)
(For Defendant *Pro Hac Vice*)

HEARING ON:
TRIAL – DAY 55

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 10:00 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, *Pro Hac Vice* Counsel for Defendant
Truc Do, *Pro Hac Vice* Counsel for Defendant
Miriam Seifter, *Pro Hac Vice* Counsel for Defendant

The Court, Counsel, Detective Diskin, and Defendant are present in the Courtroom. The Jury and Counsel Li are not present.

The Court advises a written Motion was received by Counsel for Defendant. Counsel for Plaintiff will have an opportunity to respond.

Court and Counsel review questions asked by the Jury during deliberation; an answer is delivered to the Jury by the Bailiff.

Counsel for Plaintiff advises of requests from Dateline of admitted Exhibits that include color photographs. **IT IS ORDERED** the Exhibits may be released by the County Attorney's office.

~~~Recess~~~

At 11:32 a.m. Court reconvenes all previously appearing parties are present. The Jury and Counsel Hughes are not present.

Court and Counsel discuss Exhibit list for the Jury with proposed redactions. Discussion ensues. The Clerk is directed to make a list that conforms to the redactions suggested by Counsel.

The Court discusses the location of Exhibits during Jury deliberation. **IT IS ORDERED** the Exhibits shall remain in the deliberation room during Jury deliberations and will not be removed until a decision is reached.

~~~Recess~~~

At 12:10 p.m. Court reconvenes with Sheila Polk, Det. Diskin, Tom Kelly and Luis Li present. Defendant's presence is waived.

Court and Counsel discuss the revised Exhibit list for the Jury. The Clerk is directed to provide 12 copies to the Jury. Upon request of Counsel, the Court directs the Clerk to file the final and proposed exhibit lists for the record.

~~~Recess~~~

At 2:52 p.m. the Jury is returned into the courtroom in the custody of the bailiff, in the presence of Counsel and Defendant and the following Verdicts are read, filed and entered in the record:

|            |                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Count I:   | Not Guilty of manslaughter as a result of the death of Kirby Brown<br>Guilty of negligent homicide as a result of the death of Kirby Brown       |
| Count II:  | Not Guilty of manslaughter as a result of the death of Lizbeth Neuman<br>Guilty of negligent homicide as a result of the death of Lizbeth Neuman |
| Count III: | Not Guilty of manslaughter as a result of the death of James Shore<br>Guilty of negligent homicide as a result of the death of James Shore       |

The individual jurors are polled. The Jury is reminded of the admonition, instructed to return for the aggravation phase of trial on Tuesday, June 28, 2011, and exits the courtroom.

Counsel for State moves the Court to take Defendant into custody pursuant to Rule 7.2. Counsel argue their positions.

**IT IS ORDERED** confirming the existing release conditions. **IT IS FURTHER ORDERED** denying the Defense Motion for Mistrial.

Discussion regarding scheduling ensues. Counsel are instructed to be present at 8:30 a.m. next Tuesday for further trial.

**END TIME: 3:06 p.m.**

**THEREAFTER, off the record**, the Court directs the Clerk to seal the Verdicts in this matter. The Court further directs the Clerk to file redacted copies of the Verdicts with the juror name omitted.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Camp Verde Superior Court Building